

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

HILMER SCHOENBAUM, on behalf of	)	No. 4:05CV1108 ERW
himself and all others similarly situated,)	
	)	Consolidated with:
Plaintiff,)	
	)	No. 4:05CV1174 ERW
	)	No. 4:05CV1175 ERW
	)	No. 4:05CV1190 ERW
v.	)	No. 4:05CV1218 ERW
	)	No. 4:05CV1223 ERW
	)	No. 4:05CV1229 ERW
	)	No. 4:05CV1230 ERW
E.I. DUPONT DE NEMOURS AND	)	No. 4:05CV1311 ERW
COMPANY, PIONEER HI-BRED	)	No. 4:05CV1445 ERW
INTERNATIONAL, INC., and	)	No. 4:05CV1478 ERW
MONSANTO COMPANY,	)	No. 4:05CV2314 ERW
)	
Defendants.)	

MEMORANDUM AND ORDER

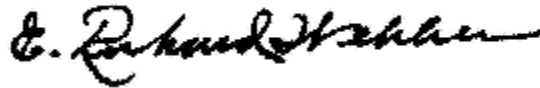
This matter is before the Court on Plaintiffs' Motion for Leave to File Their Master Consolidated Amended Class Action Complaint (Docket No. 124). Having considered the motion and the responses thereto, the undersigned finds that a hearing is warranted. Therefore, the Parties are ordered to appear before the undersigned in Courtroom 12 South on Wednesday, May 31, 2006, at 9:00 a.m. Oral arguments are limited to 1 hour for each side and will address the following topics by presenting legal argument and legal support:

- Whether a plaintiff can amend a complaint under Rule 15 to include new legal claims which could have been asserted earlier, with an emphasis on the Sherman Act and civil RICO claims;
- Whether specific segments and paragraphs of Plaintiffs' 973-page Master Consolidated Amended Class Action Complaint violate Rule 8's requirements that the Complaint contain short and plain statements;

- Whether Plaintiffs can characterize the class members as “direct purchasers” in light of the Baumgardner Statement of Uncontroverted Facts representing that the class did not purchase directly from Defendants and whether such classification is now prejudicial to Defendants;
- Whether the filing of an earlier amended complaint in state court bars the filing of an amended complaint as of right in federal court and whether consolidation of cases has any bearing on these rights; and
- Any issues the Parties believe the Court should address prior to scheduling a Rule 16 Conference. Accordingly,

IT IS HEREBY ORDERED that counsel for all the parties shall appear before this Court on Wednesday, May 31, 2006, at 9:00 a.m. for oral argument on Plaintiffs’ Motion for Leave to File Their Master Consolidated Amended Class Action Complaint (Docket No. 124).

Dated this 11th day of May, 2006.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE